

# HOFMANN & SCHWEITZER

COUNSELLORS AT LAW AND PROCTORS IN ADMIRALTY

212 West 35<sup>th</sup> Street, 12<sup>th</sup> Floor

NEW YORK, NY 10001

Telephone: (212) 465-8840

Fax: (212) 465-8849

Fax: (844) 570-8674

PAUL T. HOFMANN\*  
TIMOTHY F. SCHWEITZER\*

NEW JERSEY OFFICE:

1130 ROUTE 202 SOUTH, SUITE A7

RARITAN, NJ 08869

(908) 393-5662

DARIO ANTHONY CHINIGO\*

NICOLE VERA\*†

E-M AIL: [INFO@HOFMANNLAWFIRM.COM](mailto:INFO@HOFMANNLAWFIRM.COM)

WEB PAGE: [WWW.HOFMANNLAWFIRM.COM](http://WWW.HOFMANNLAWFIRM.COM)

\*Also Admitted in NJ

† Also Admitted in FL

Writer's Email:

[paulhofmann@hofmannlawfirm.com](mailto:paulhofmann@hofmannlawfirm.com)

August 20, 2024

Via ECF

Hon. Loretta A. Preska  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: Energetic Tank, Inc. as Owner of the M/V Alnic MC for the exoneration from or  
Limitation of Liability - 1:18-Civ.-01359-LAP  
Request by Petitioner for Pre-Motion Conference Regarding Claimants  
Beckford and Miranda

Dear Judge Preska:

As counsel for claimants Delando Beckford and Clember Miranda in this litigation, I respond to petitioner's letter of August 16, 2024, seeking a discovery conference at which it will seek dismissal of their claims.

## DELANDO BECKFORD

Regarding Chief Petty Officer Delando Beckford, counsel correctly sets forth the dates for completion of the psychological testing, July 31, 2024 and psychiatric testing, August 15, 2024. As previously indicated, Chief Petty Officer Beckford remains in the Navy, serving the country in areas of active conflict. He currently is assigned to a position in Rota, Spain.

C.P.O. Beckford has substantially complied with the prior ordered schedule. However, logistics got in the way for full completion of his discovery responsibilities. First off, prior to July 31, Mr. Beckford did complete the psychological testing when he returned to New York for a short leave. As to the psychiatric testing, it was arranged that he would complete that testing also during that short leave to the United States and Jamaica, his home country, which leave occurred in early August. Our office had advised of the dates for the psychiatric testing to be accomplished remotely on August 13, 2024. Unfortunately, when Mr. Beckford logged in to the

**HOFMANN & SCHWEITZER**

-Page 2-

psychiatric examination, he was in his home country of Jamaica where he had traveled due to urgent family matters. The designated psychiatrist for the petitioner, for some reason, refused to carry on the interview with Mr. Beckford claiming what we consider to be a spurious excuse that he could not do the interview with Mr. Beckford not being in the United States. As a retained expert, he was not practicing medicine and thus, any excuse that he would be practicing medicine in a foreign jurisdiction is invalid. His failure to go forward with the interview of Mr. Beckford, who had connected with him, is being used as an excuse to attempt to gain dismissal of Mr. Beckford's valid claim.

We do admit that we had assumed Mr. Beckford would be in New York for that August 13 interview but circumstances prevented him from traveling back from Jamaica as of that date. We stress again, that Mr. Beckford did appear for the psychiatric interview as well as that he completed the psychological testing.

After counsel for petitioner advised us that the psychiatric interview had to be terminated without completion, we advised petitioner's counsel that Mr. Beckford returned to Spain to continue his military service as ordered by the Navy. We advised counsel that Mr. Beckford going forward for the next few months, at least, will not be stationed on a ship and can participate in the psychiatric interview at a location in Cadiz, Spain where petitioner had previously arranged for him to be interviewed for his psychological testing. We again offer counsel that option and will work with them on the logistics. Petitioner's counsel has not responded to that offer.

Mr. Beckford is not refusing to cooperate and is anxious to complete the testing so he can pursue his claim. A short period of additional time is requested to complete the interview.

**CLEMBER MIRANDA**

Regarding former Chief Petty Officer Clember Miranda, who separated from the military several years ago due to his post traumatic stress disorder, we regret to advise the court that we have lost contact with him. Thus we are not capable of facilitating the logistics required of Mr. Miranda. Although quite some time ago Mr. Miranda completed his psychological testing, he has not cooperated with us in completing the psychiatric evaluation requested of him.

Our office has made numerous attempts to obtain his cooperation but to no avail. Since your prior order, we have made telephone calls, sent texts, emailed and even sent an emissary in his home location of Guam, for him to contact us to schedule the psychiatric interview, without response.

In conclusion, Chief Petty Officer Beckford has been and will continue to be cooperative and his claim should not be dismissed. As to Mr. Miranda's claim I have nothing further to report other than what is stated above.

**HOFMANN & SCHWEITZER**


-Page 3-

Thank you for your attention to this matter.

Respectfully yours,

HOFMANN & SCHWEITZER

PTH/gh

By:   
Paul T. Hofmann

c: All counsel via ECF